

PROTESTANT EPISCOPAL CHURCH VESTRY ACT

AUGUST 10, 1970.—Ordered to be printed

Mr. TYDINGS, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 2336]

The Committee on the District of Columbia, to which was referred the bill (S. 2336) relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment as indicated in the bill as reported by linetype and italic is as follows:

Strike out all after the enacting clause and insert new language as a substitute.

PURPOSE OF THE BILL

The purpose of the legislation is to conform applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church.

The bill will repeal those anachronistic sections of the so-called Vestry Act which deal with the internal organization and operation of the Protestant Episcopal Church, but will leave intact those provisions which establish general corporate powers and which may affect title to property held by the church.

NEED FOR LEGISLATION

The basic civil law for the organization of parishes and vestries of the Protestant Episcopal Church is the Vestry Act adopted by the General Assembly of Maryland in 1798 and continued as the law in the District after the District was created in 1800. The Diocese of Washington includes four Maryland counties and the District. Thus, when substantial revision of the Vestry Act was enacted in 1969 by

the Maryland General Assembly, the two parts of the diocese became subject to conflicting laws which made internal government of the church difficult and certain property rights tenuous.

The Church requested introduction of S. 2336 to eliminate certain anachronistic provisions in the Vestry Act (acknowledgedly conflicting with constitutional principles of separation of church and state) but otherwise to give local parishes more control over their own affairs and to preserve property relationships.

The committee has concluded that a complete repealer of the Vestry Act in order to eliminate church-state conflicts is not an adequate solution. The chancellor of the Diocese of Washington (the honorable Oliver Gasch, a judge of the U.S. District Court for the District of Columbia) has been advised and is of the opinion that potential problems with land titles of parishes acquired under the Vestry Act would be avoided with the retention of the Vestry Act with amendments rather than for the parishes to operate under any other statutory provisions applicable to religious corporations now in effect in the District of Columbia. Further, the conversion of the parishes to such other statutory provisions would cause unnecessary administrative turmoil. Finally, and of controlling significance, the effective operation of the Diocese of Washington is dependent upon all parishes operating under substantially the same provision of civil law. Any result wherein the District parishes would be operating under one set of statutory provisions, and the four Maryland parishes would be operating under another, would be extremely burdensome and undesirable.

HISTORY OF LEGISLATION

S. 2336 as introduced would have conformed the Vestry Act to the law now in effect in the State of Maryland, which presently governs the four Maryland counties included in the Washington diocese, including a repealer of a number of provisions involving internal affairs of the church.

At the hearing on the bill, strong opposition was voiced by a representative for the American Civil Liberties Union against those aspects of the bill which would continue the Vestry Act's involvement of government in any way in the internal affairs of the church, including establishing residency and age requirements for voting for vestrymen. The hearing was concluded with a request to the diocese to propose a revision which would take government entirely out of the internal affairs of the church but would preserve vital property relationships which is the central concern of the diocese in proposing the legislation.

The diocese responded by letter on January 27, 1970, proposing a general repeal of the Vestry Act, thus leaving the government and operations of the church to its internal constitution and bylaws, but with the exception of such clauses as deal with the church as a corporate entity, its ownership of property and its rights to sue and be sued. The bill, as revised, is the version approved by the committee.

ANALYSIS OF LEGISLATION

The bill repeals the Vestry Act in large part and thus eliminates government connection with internal affairs of the church, including

provisions for election of vestrymen, conduct of vestry meetings, oaths of office, and various other penalties and prohibitions directly relating to internal church organization and affairs.

The sections not repealed are limited to the following:

Section 9. Vestry to have title to parish property.

Section 28. Vestrymen of every parish to constitute a corporation with general corporate powers.

Section 29. Relating to the sale or transfer of church property by the Vestry.

Section 32. Vestry to have capacity to sue and be sued, and to have a common seal.

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate to expedite the business of the Senate.

Due to the fact that the so-called Vestry Act was originally adopted by the Maryland General Assembly in 1798 and has been amended repeatedly by the Legislative Assembly of the District of Columbia and by the Congress, an exact codification of the Vestry Act is not available and the business of the Senate does not permit a comprehensive statement of the act as amended. To comply with the spirit of rule XXIX, however, the most accurate available text of the act is set out below with existing law proposed to be omitted enclosed in black brackets, and existing law in which no change is proposed shown in roman.

ORIGINAL TEXT OF MARYLAND VESTRY ACT OF 1798

Chapter 24 of the Maryland Acts of 1798. ("Laws of Maryland"), Vol. 2, published by William Kilty in 1800)

CHAP. XXIV

An ACT for the establishment of vestries for each parish in this State Passed 15th
of Jan. 1799

Lib. JG. No. 3. fol. 48.

[WHEREAS] it is represented to this general assembly, that the act for the establishment of select vestries, and the supplements thereto, are inadequate to the exigencies of the protestant episcopal church in this state, for which the said acts were intended to provide;

II. BE IT ENACTED, *by the General Assembly of Maryland.* That vestries shall be chosen for each parish within this state in the following manner; Every free white male citizen of this state above twenty-one years of age, resident of the parish where he offers to vote six months next preceding the day of election, who shall have been entered on the books of the said parish one month at least preceding the day of election as a member of the protestant episcopal church, and who shall also contribute to the charges of the said parish in which he offers to vote such sum as a majority of the vestry in each parish shall annually, within ten days after their election, in

*How vestries
are to be
chosen &c.*

writing, make known and declare, not exceeding two dollars, shall have a right of suffrage in the election of vestrymen for such parish; and all persons so qualified shall, on the next ensuing Easter Monday, assemble in their respective parishes, at their parish church, or if there shall be two or more protestant episcopal churches in any parish, at the church first built therein, or if there be in any parish no such church, then at such other place as the rector of the parish, or if there be no rector, as any three or more vestrymen, may have publicly notified to the parishioners, and the said persons, so qualified to vote, when assembled, or such of them as may assemble in each parish, shall proceed, by a majority of votes, to elect, by ballot, eight vestrymen from among the persons qualified to vote, who, with the rector of the parish for the time being, shall be deemed and considered the vestry of the said parish for the ensuing year, and the rector of the parish shall always be one of the vestry.

Register to
enrol persons,
&c.

III. AND BE IT ENACTED, That the register of the parish shall, and it is hereby declared to be his duty, to enrol any person of the protestant episcopal church who shall apply for the purpose, on the books of the parish, under the penalty of eight dollars, and he shall be authorized to demand and receive the sum of six cents for each and every such enrolment.

How vacancies
are to be
filed.

IV. AND, to perpetuate the vestry in each parish, BE IT ENACTED, That on refusal to serve, resignation, death, or removal from the parish with a view to reside elsewhere, or on legal discharge from serving, or any other disqualification of any person chosen a vestryman, the rector, (if any,) or if no rector, any two of the vestry, or of those persons who last possessed the powers of vestrymen, shall, with all convenient speed, appoint a general meeting of the parishioners entitled to suffrage as aforesaid, at the parish church or elsewhere, as herein before mentioned; and at such meeting, such of them as shall assemble shall proceed, by a majority of votes, to fill up such vacancy or vacancies from among the persons qualified to vote, as herein before provided; and on every Easter Monday for ever, after the first election as herein before directed, the parishioners entitled to suffrage shall assemble, as herein before prescribed, and they, or such of them as may assemble, shall, by a majority of votes, put out four of the eight vestrymen whom they please, and shall immediately thereafter elect, by ballot, four vestrymen from among the persons qualified to vote, including those whom they have voted out, all or any of whom they may re-elect; and such persons so chosen, with the remaining vestrymen and the rector, shall be the vestry for the ensuing year.

V. AND BE IT ENACTED, That the vestrymen of each parish, or a majority of those who shall attend, shall judge of the election of vestrymen, and of the qualification of voters, and of the qualification of the parishioners proposed to be elected as vestrymen.

Vestrymen to
judge of
elections, &c

VI. AND BE IT ENACTED, That every person chosen a vestryman shall, before he acts as such, take and subscribe the oath of support and fidelity required by the constitution and form of government, unless such person hath before taken such oath, and also make and subscribe a declaration of his belief in the christian religion, and he shall also take and subscribe the following oath of office, to wit: "I, A.B. do solemnly swear, that I will faithfully execute the office of a vestryman of ----- parish, in ----- county, without prejudice favour or affection, according to the best of my skill and knowledge;" which oaths and declarations any justice, of the peace, or any vestryman present, may administer and take.

CHAP. XXIV
Oaths to be
taken

VII. AND BE IT ENACTED, That the first Monday in February, May, August and November, in each year, shall be the days on which a vestry shall be held in every parish, at eleven o'clock in the forenoon, at the place at which vestry elections are directed by this act to be held, without any notice given thereof, and every vestry may also hold adjourned or special meetings at such times and places as they may agree upon; at any which time or place, any four vestrymen, together with the rector, if he shall attend, if not, any four without him, shall be a sufficient quorum for the transaction of any business whatever, which they are authorized to do by this act, and whatsoever shall be thus done by a majority of such quorum, or of the members attending, if more than above directed, shall be valid and obligatory as if done by the whole vestry; provided always, that due notice of all adjourned and special meetings shall be given to all the members of the vestry.

Days on which
vestries are to
be held.

VIII. AND BE IT ENACTED, That the rector of each parish for the time being shall preside in the vestry, collect the votes, and shall, upon any equal division of those present, have a vote, except in cases in which he is in any manner particularly interested, and he shall have, except he may otherwise contract with the vestry, the possession, occupation and free use of all the glebe-lands, houses, ground-rents, books and other property, belonging to his parish, and be entitled to the benefit thereof during the time he shall officiate therein as rector.

Rector to
preside, &c

IX. AND BE IT ENACTED, That the vestry of each parish for the time being, as trustees of the parish, shall have an estate in fee-simple in all churches and

Vestry to have
an estate in
all churches,
&c.

chapels, and in all glebes, and other lands, and shall have a good title and estate in all other property heretofore belonging to the church of England, or which shall hereafter belong to the said church, now called Protestant Episcopal Church, in Maryland; and it shall be lawful for such vestry so to manage and direct all such property as they may think most advantageous to the interests of the parishioners, and they shall also have the property in all books, plate and other ornaments belonging to said churches and chapels, or any of them.

Penalty on the rector for waste, &c.

[X. AND BE IT ENACTED, That if any rector shall commit any waste on any glebe-land, or other land belonging to the vestry of his parish, or if he shall do any injury to his parsonage, or to his parish library, he shall be liable to pay treble damages, to be recovered of him by the vestry in their corporate name, in the same manner as if he was not one of the vestry.

Churchwardens to be chosen.

XI. AND BE IT ENACTED, That on every Easter Monday, immediately after the election of vestrymen, the vestry shall proceed to choose from among the persons qualified to vote, two sober, discreet and pious persons, to be churchwardens for the ensuing year, and before they act as such, they shall take and subscribe the oath of fidelity, and make and subscribe the declaration herein before prescribed to be taken by vestrymen, and also an oath, that they will faithfully discharge the duties of a churchwarden.

Who shall have power to keep the peace, &c.

XII. AND BE IT ENACTED, That every churchwarden shall have power to keep the peace, and also preserve order and decency in his respective church or chapels; and it shall be lawful for any churchwarden to apprehend any person guilty of any breach of the peace, or of any disorderly conduct, or of making a noise in any church or chapel, or in the church or chapel yard, or other enclosure, so as to disturb the congregation, and to turn such person out of the church, chapel yard, or other enclosure thereto belonging; and it shall be the duty of any person (who may be called upon) to assist the churchwarden in the before-mentioned duties.

Elections for vestrymen may be held at any time, &c.

XIII. AND BE IT ENACTED, That if, from any cause whatever, those persons qualified to vote in any parish should suffer Easter Monday to elapse without any election of vestrymen, then the said election may be held on any other day appointed for the purpose, at any time after, although it may be in any subsequent year, of which day notice shall be given by the rector (if any) in his church, immediately after divine service, on two succeeding Sundays, and if no rector, by any two vestrymen, or of those persons who last possessed the powers of vestrymen, by writing set up at the door of the church ten days before the day of meeting.

XIV. AND BE IT ENACTED, If churchwardens should not from any cause be chosen by the vestry on the day of the election of vestrymen, it shall and may be lawful to choose them at any subsequent meeting of the vestry, and such elections shall be held valid and obligatory.

Churchwardens may be chosen, & c.

XV. AND BE IT ENACTED, That the vestry of every parish shall have full power and authority, from time to time, to choose one or more ministers or readers of the protestant episcopal church, (heretofore called the church of England,) to officiate in any church or chapel belonging to the parish, and to perform the other duties of a minister therein, for such time as the said vestry may think proper, and they may agree and contract with such minister or ministers, reader or readers, for his or their salary, and respecting the use and occupation of the parsonage-house, or any glebe or other lands, or other property, if any, belonging to the parish, and on such terms and conditions as they may think reasonable and proper, and their choice and contract shall be entered among their proceedings; and upon the expiration of such contract, the said vestry may, in their discretion, renew their choice, or make a new contract, but if they do not incline so to do, their former choice and contract shall remain until they declare their desire to make a new choice or contract.

Vestry may choose ministers, & c.

XVI. AND BE IT ENACTED, That if only one minister shall be chosen for any parish, he shall be called the rector thereof, but where two or more ministers shall be chosen of the same order in the ministry, they shall be called associated rectors of such parish, and shall preside in the vestry by rotation; and in any parish in which there shall at any time be more than one minister regularly settled, and either of them of superior order in the ministry, such superior minister shall have the sole right of presiding in the vestry, and be called the rector thereof, and the other or others shall be called associated ministers of such parish.

If only one to be called rector, & c.

XVII. AND BE IT ENACTED, If the vestry of any parish should think it necessary to take in subscriptions for the maintenance of their minister or ministers, reader or readers, or for paying the salaries of such other officers as the occasions of the parish may require to be appointed, or for any other parish purposes, it shall and may be lawful for them so to do.

Vestry may take in subscriptions, & c.

XVIII. AND BE IT ENACTED, That the vestry of every parish shall be and they are hereby obliged to provide a fit person as register of their parish, whose duty it shall be to keep true and fair entries of the proceedings of such vestry in the execution of their trust, which register also shall, before he acts as such, take and sub-

And provide a register & c.

scribe the oath of fidelity herein before mentioned (unless he shall have before taken such oath), and make and subscribe a declaration of his belief in the christian religion, as also take an oath for the due and faithful execution of the duties of his office, to be administered as herein before directed.

His Duty

XIX. AND BE IT ENACTED, That it shall be the duty of the said register to enter in a book, provided for the purpose, all baptisms, marriages and funerals, of free persons in the parish by any minister of the protestant episcopal church, and which may be made known to him by any of the said ministers or vestrymen of the parish; and it shall also be the duty of the said register, in the entry of baptisms, to insert the christian names of the persons baptised, the christian and surnames of the parents, with the dates of the baptisms and births of the persons baptised, and in the entry of marriages and burials to insert the times of the celebration and the christian and surnames of the persons married, and the persons buried; and it shall be the duty of the minister or ministers of every parish to take care that the said register be made acquainted with all the baptisms, marriages and burials, celebrated by him or them in the parish.

Baptisms, &c.
to be communi-
cated, &c.

XX. AND BE IT ENACTED, That if any minister of the protestant episcopal church shall celebrate any baptism, marriage or burial, in any parish in which he may not be a sttled minister, he is hereby required to communicate it to the rector, or some one of the vestry, of the parish, who shall communicate it to the register of said parish.

Penalty on
the minister,
&c.

XXI. AND BE IT ENACTED, That if any minister or vestryman shall fail in the duties herein respectively assigned them, or if any register shall refuse or neglect to enter any baptism, marriage, or burial, so made known to him, the person offending shall forfeit eight dollars for every such offence.

Register to
have custody
of all
baptisms, &c.

XXII. AND BE IT ENACTED, That the register of every parish shall have the custody of all registers of baptisms, marriages and burials, belonging to his parish, and he is hereby obliged to shew any person or persons reasonably desiring it any such register, or give a certificate of the entry of any birth, marriage or burial, entered therein, which may be desired of him, and such certificate, under the hand of such register, and with the common seal of such vestry annexed thereto, shall be received in evidence in all courts of justice within this state; and for every search which may be required, he shall be entitled to twenty-five cents, and for every certificate as aforesaid, he shall be entitled to twenty-five cents, nor shall he be obliged to make a search, or give a certificate, until he shall have been paid the reward before allowed.

XXIII. AND BE IT ENACTED, That if any vestry shall neglect or refuse to appoint a register for their parish, or to provide him with such good and substantial books as the execution of the duties herein committed to him may require, the individual vestrymen who shall vote against going into the appointment of a person to fill the office of a register, or shall refuse to vote on the question of said appointment, or against the provision of good substantial books as aforesaid, shall forfeit and pay the sum of five dollars each for every time he shall offend, or vote as aforesaid, the said fine to be recovered before a single magistrate; provided always, that the vestrymen, so offending, may in all cases allege, before said magistrate, such excuse or excuses as he may think sufficient to relieve him from payment of the fine as aforesaid.

Penalty on vestry for neglect, &c.

XXIV. AND BE IT ENACTED, That whenever special meetings of the vestry shall be necessary, the rector shall call them, but if there be no rector, or if he shall be absent, or refuse or neglect to call a meeting, than any two of the vestry, agreeing so to do, may summon a special vestry.

Rector to call special meetings.

XXV. AND, the better to secure the attendance of members of the vestry, BE IT ENACTED, That no vestryman shall absent himself from any stated meeting, or from special or adjourned meeting, of which he was duly notified, without such excuse as the rest of the vestry will allow, under a penalty not less than two or exceeding eight dollars.

Penalty for not attending, &c.

XXVI. AND BE IT ENACTED, That if any person elected a vestryman, agreeably to this act, shall, after convenient notice given him by the register of the parish, who is hereby required to give him such notice under the penalty of twenty dollars, refuse to serve as a vestryman, according to the provisions herein made, without alleging such an excuse as the residue of the vestry will allow, unless he shall have heretofore served two years, or been voted out at a former vestry election, or if any person elected a churchwarden, who has not before served in that office within the last three years, shall, after the same notice, refuse to serve as such, or having been qualified, shall retire from his office without the consent of the vestry, before the time for which he was elected shall have expired, unless he shall have been disqualified for remaining a churchwarden, the former shall forfeit twenty dollars, and the latter ten dollars.

And for refusing to serve, &c.

XXVII. AND BE IT ENACTED, That all fines and penalties by this act imposed shall be recoverable before any justice of the peace, and applied to the use of the parish in such manner as the vestry may direct.]

How fines are to be recovered, &c.

XXVIII. AND BE IT ENACTED, That the vestrymen of every parish in this state for the time being, shall be, and they are hereby declared to be, one com-

Vestrymen incorporated, &c.

munity, corporation and body politic, for ever, by the name of The Vestry of the parish to which they severally belong, and by the same name they, and their successors, shall and may have perpetual succession, and shall and may, at all times hereafter, be persons able and capable in law to purchase, take and hold, to them and their successors, in fee, or for any less estate or estates, any lands, tenements, hereditaments, rents or annuities, within this state, by the gift, bargain, sale or devise, of any person or persons, bodies politic and corporate, capable of making the same, and such lands, tenements or hereditaments, to rent or lease, in such a manner as they may judge most conducive to the interests of their respective parishes, and also to take and receive any sum or sums of money, and any kind of goods and chattels, which may or shall be given, sold or bequeathed, unto them, by any person or persons, bodies politic or corporate, capable to make a gift, sale or bequest thereof, and to apply the same for the use of their respective parishes as herein before directed; provided, that the clear yearly value of the estate of any vestry, (exclusive of the rents of pews, collections in churches, funeral charges, and the like.) Shall not exceed two thousand dollars.

CHAP.
XXIV. No
vestry to sell
their estates,
&c.

XXIX. AND BE IT ENACTED, That no vestry shall sell, alien or transfer, any of their estates or property belonging to their church or churches, without the consent of five at least of their body, (of which number the rector shall always be one,) together with the consent of both, the churchwardens, and in case there be no rector in the parish, then it shall be necessary to obtain the consent of the bishop of the protestant episcopal church in this state for the time being, previous to any sale, alienation or transfer, of any of the estates or property aforesaid.

Or apply the
principal, &c.

XXX. AND BE IT ENACTED, That no vestry shall apply any of the principal of the money arising from the sales of any of the estates or property aforesaid towards any debt or debts contracted with their minister on account of his official duties.

Not to pre-
vent the ves-
try from buy-
ing, &c.

XXXI. AND BE IT ENACTED, That nothing herein before contained shall be construed to prevent the vestry of any parish from buying at any time a lot of land, not exceeding two acres, for a burial-ground, or a site for a church or parsonage-house, or from selling or renting the pews of their churches or chapels, provided in so doing the said vestry shall not interfere with any existing right or title in any person to any pew or pews.]

Vestry may
sue, &c.

XXXII. AND BE IT ENACTED, That the vestry of every parish, and their successors, (by the name aforesaid,) shall be for ever hereafter able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any

courts of justice, and before all or any judges, officers or other persons whatsoever, in all and singular actions, matters and demands whatsoever; and that it shall and may be lawful for them, and their successors, for ever hereafter, to have a common seal for their use, and the same, at the will and pleasure of them, and their successors, to change, alter, break and make anew, from from time to time, as they shall think best.

[XXXIII. AND BE IT ENACTED, That it shall be lawful for the convention of the protestant episcopal church in this state to divide or unite parishes, as occasion may require, and to alter their bounds, and to constitute new parishes; and vestrymen and churchwardens of such new parishes, shall be chosen as herein before provided, and shall have perpetual succession, and be incorporated, by the name of The Vestry of such new parish, and such vestry and churchwardens shall have all the powers hereby granted in this act to other vestrymen and churchwardens; provided always, that a majority of the members of the protestant episcopal church, qualified to vote for vestrymen, residing in any parish, or part or parts of a parish or parishes, proposed to be added to any new parish or parishes, or to be constituted into a new parish, shall consent thereto.

Convention
may divide
parish, &c.

XXXIV. AND BE IT ENACTED, That immediately after the election of vestrymen on the next ensuing Easter Monday, as herein before directed, the act, (a) entitled, An act for the establishment of select vestries, and all the supplementary acts, thereto, shall be and hereby are repealed.

Acts repealed

(a) March, 1779, Ch. 9]

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AMENDMENTS TO THE MARYLAND VESTRY ACT

Acts of the Legislative Assembly of the District of Columbia:

Ch. 30, passed Jan. 19, 1872

Ch. 57, passed June 26, 1873

Acts of Congress:

March 28, 1874, Ch. 72, Stat. 25

Aug. 11, 1919, Ch. 43, 41 Stat. 278

July 18, 1947, Ch. 269, 61 Stat 992

[CHAP. XXX—An Act for the relief of St. John's Parish, in the City of Washington

January 19,
1872

Be it enacted by the Legislative Assembly of the District of Columbia, That so much of the act of the General Assembly of the State of Maryland, passed in the year seventeen hundred and ninety-eight, entitled "An act for the establishment of vestries for each parish in the

Provisions as
to the rights of
parishioners of
St. John's
parish

State," as requires residence within the parish limits as a qualification of voters at a parish election, shall hereafter be held to be complied with by the admission of all persons owning or leasing a pew in any church or chapel of the said Saint John's parish to vote at such elections, or other business meeting of the said parish, on the same terms and under the same restrictions as are now provided in the case of resident parishioners.

Qualification
of voters.

SEC. 2. *And be it further enacted*, That in any free church or chapel of the said parish in which the pews are not sold or leased, the qualifications of voters shall be determined by a vote of a majority of the stated worshipers in said church or chapel, at a meeting duly named for that purpose by at least [—] week's public notice in one or more newspapers of the District of Columbia; and such qualifications, so determined shall be made known, published, and declared in the manner provided by the act of seventeen hundred and ninety-eight as aforesaid.

Provisions of
this act to
apply to any
other parish
desiring to
avail itself of
the same.

SEC. 3. *And be it further enacted*, That the provisions of this act shall apply to any other parish of the Protestant Episcopal Church in the District of Columbia which may desire to avail itself of the same, by a three-fourths vote, favorable thereto, of the rector and vestrymen in vestry meeting assembled: *Provided*, That two weeks' notice be given, through some newspaper published in said District, that a meeting of the said vestry is to be called for that purpose; and such vote shall be made known in manner provided by the act of Assembly of seventeen hundred and ninety-eight aforesaid.]

Proviso

Approved January 19, 1872

CHAP. LVII

June 26, 1873

[An Act for the relief of parishes of the Protestant Episcopal Church in The District of Columbia

Prescribing
qualification of
voters at parish
meeting.

Be it enacted by the Legislative Assembly of the District of Columbia, That in any parish of the Protestant Episcopal Church now existing in said District, or hereafter organized therein, residence within the limits of the parish shall no longer be prescribed as a qualification for voting at parish elections or other business meetings of the parish, or for holding office in the same; but any male member of the congregation above the age of twenty-one years may be admitted to vote at parish meetings, and shall be qualified to hold office in such parish, who shall own or lease a pew or part of a pew in the parish church, or, in case the pews are free, shall be a stated worshiper in the church, and who shall have been entered on the books of the parish, as required by existing law, and shall have complied with the other requirements

of said law, or with such other conditions, as a majority of the qualified voters of the parish may hereafter adopt at a parish meeting called for the purpose: *Provided*, That in the case of a newly-organized parish all male members of any church or congregation in communion with the Protestant Episcopal Church in the District of Columbia, of full age and uniting in the organization of such new parish, shall be qualified to vote at the first election of vestrymen thereof.

Proviso

SEC. 2. *And be it further enacted*, That hereafter vestries of the Protestant Episcopal Church shall not be obliged to meet on any stated days or at any particular place, but only at such times and places as they may find most convenient; and if any vacancy shall happen in vestries after their election, or any person elected a vestryman shall refuse to serve, then the other vestrymen shall have power to appoint a person or persons, as the case may be, to serve until the next succeeding election; and any parish, by a vote of the majority of its qualified voters may at any parish meeting provide that the wardens of such parish shall be elected in the same manner as vestrymen, and be members of the vestry; and vestries shall have power to make all rules and regulations respecting the temporal government and support of their respective parishes, not inconsistent with public law.

Vestries to meet at such times and places as may to them be most convenient.
Vacancies.

SEC. 3. *And be it further enacted*, That vestries now existing shall be regarded as legally constituted, notwithstanding irregularities in their election or defect of qualifications in the voters by whom they were elected, and are hereby confirmed in their offices until the period appointed by law for the next election of vestries.

Vestries empowered to make rules and regulations.

Vestries now existing to be regarded as legally constituted.

SEC. 4. *And be it further enacted*, That all acts or parts of acts now in force in the District of Columbia respecting the right and privileges of associate rector in parishes of the Protestant Episcopal Church in said District be, and the same are hereby, repealed.】

Repealing clause.

Approved June 26, 1873

【CHAP. 72.—An act to approve an act of the legislative assembly of the District of Columbia relating to parishes of the Protestant Episcopal Church

March 28, 1874.

18 Stat. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislative assembly of the District of Columbia entitled "An act for the relief of parishes of the Protestant Episcopal Church in the District of Columbia," approved June twenty-sixth, eighteen hundred and seventy-three, be, and the same is hereby, approved;

Act of legislative assembly of District of Columbia approved.

and that all acts now in force in the District of Columbia, inconsistent therewith, be, and the same are hereby repealed.】

Approved, March 28, 1874

41 Stat. 278

【CHAP. 43.—An Act To extend the franchise in the parishes and separate congregations of the Protestant Episcopal Church in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Convention of the Protestant Episcopal Church of the Diocese of Washington, incorporated by Act of Congress, approved March 16, 1896, is hereby authorized and empowered on the petition of the vestry of any parish or separate congregation to give the same right to women to vote and hold office as is now conferred upon men by existing law.】

Approved, August 11, 1969.

【CHAPTER 269

July 18, 1947
S. 1402
Private Law
67

【AN ACT To authorize the parishes and congregations of the Protestant Episcopal Church in the District of Columbia to establish bylaws governing the election of their vestrymen

Protestant
Episcopal
Church, D.C.
Adoption of
bylaws govern-
ing election of
vestrymen.

【Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the parishes and separate congregations of the Protestant Episcopal Church in the District of Columbia may by bylaws provide for the manner of conducting elections of vestrymen, the number of vestrymen to be elected, and the length of the terms of the offices of vestrymen. Such bylaws may be adopted at any annual meeting of members of the parish or congregation by a vote of two-thirds of the qualified voters present at such meeting: *Provided,* That notice at least thirty days prior to the meeting shall be given by the vestry to all qualified voters of the parish or congregation that such bylaws are to be presented and voted upon.

【SEC. 2. Any bylaws adopted as authorized by this Act shall be subject to amendment, modification, or repeal at any annual meeting of the parish or congregation in the same manner as herein provided for adoption of such bylaws. Notice shall be given to all qualified voters of the parish or congregation at least thirty days prior to any annual meeting of any proposed amendment, modification, or repeal of any of the bylaws adopted pursuant to this Act.】

Approved July 18, 1947.

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